

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—116th Cong., 1st Sess.

(no.) H.R. 268

(title) _____

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by Mr. Cardin for himselfViz: and Mr. Graham and Mr. Van Hollen and Ms. Collins
and Mr. Warner and Mr. Kaine and Mr. Coons and Mr. King and
Ms. Murkowski
and Mr. Isakson
and Mr. Gardner1 Strike all after the enacting clause and insert the fol-
2 lowing:3 SEC. 101. The Continuing Appropriations Act, 2019
4 (division C of Public Law 115-245) is further amended—5 (1) by striking the date specified in section
6 105(3) and inserting "February 15, 2019"; and

7 (2) by adding after section 136 the following:

8 "SEC. 137. Amounts made available in this Act for
9 personnel pay, allowances, and benefits in each depart-
10 ment and agency shall be available for obligations incurred
11 pursuant to 31 U.S.C. 1341.

1 “SEC. 138. All obligations incurred and in anticipa-
2 tion of the appropriations made and authority granted by
3 this Act for the purposes of maintaining the essential level
4 of activity to protect life and property and bringing about
5 orderly termination of Government function, and for pur-
6 poses as otherwise authorized by law, are hereby ratified
7 and approved if otherwise in accord with the provisions
8 of this Act.

9 “SEC. 139. (a) If a State (or another Federal grant-
10 ee) used State funds (or the grantee’s non-Federal funds)
11 to continue carrying out a Federal program or furloughed
12 State employees (or the grantee’s employees) whose com-
13 pensation is advanced or reimbursed in whole or in part
14 by the Federal Government—

15 “(1) such furloughed employees shall be com-
16 pensated at their standard rate of compensation for
17 such period;

18 “(2) the State (or such other grantee) shall be
19 reimbursed for expenses that would have been paid
20 by the Federal Government during such period had
21 appropriations been available, including the cost of
22 compensating such furloughed employees, together
23 with interest thereon calculated under section
24 6503(d) of title 31, United States Code; and

1 “(3) the State (or such other grantee) may use
2 funds available to the State (or the grantee) under
3 such Federal program to reimburse such State (or
4 the grantee), together with interest thereon cal-
5 culated under section 6503(d) of title 31, United
6 States Code.

7 “(b) For purposes of this section, the term ‘State’
8 and the term ‘grantee’ shall have the meaning as such
9 term is defined under the applicable Federal program
10 under subsection (a). In addition, ‘to continue carrying
11 out a Federal program’ means the continued performance
12 by a State or other Federal grantee, during the period
13 of a lapse in appropriations, of a Federal program that
14 the State or such other grantee had been carrying out
15 prior to the period of the lapse in appropriations.

16 “(c) The authority under this section applies with re-
17 spect to any period in fiscal year 2019 (not limited to peri-
18 ods beginning or ending after the date of the enactment
19 of this Act) during which there occurs a lapse in appro-
20 priations with respect to any department or agency of the
21 Federal Government which, but for such lapse in appro-
22 priations, would have paid, or made reimbursement relat-
23 ing to, any of the expenses referred to in this section with
24 respect to the program involved. Payments and reimburse-
25 ments under this authority shall be made only to the ex-

1 tent and in amounts provided in advance in appropriations
2 Acts.”.

3 SEC. 102. For the purposes of division C of Public
4 Law 115–245, the time covered by such division shall be
5 considered to include the period which began on or about
6 December 22, 2018, during which there occurred a lapse
7 in appropriations.

8 SEC. 103. Subsection (c)(2) of section 1341 of title
9 31, United States Code, is amended by inserting “, and
10 subject to the enactment of appropriations Acts ending the
11 lapse” before the period.

12 This Act may be cited as the “Further Additional
13 Continuing Appropriations Act, 2019”.